

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(Crl.).No. 286 of 2007(S)

PETITIONER:

SOMAN ALAPPAT,
S/O CHANDRAN, ALAPPAT HOUSE,
VAZHIKULANGARA, NORTH PARAVUR,
ERNAKULAM DIST.

BY ADV. SRI.ANIL K. NARENDRAN

RESPONDENTS:

1. THE DEPUTY SUPERINTENDENT OF POLICE
(RURAL), ALUVA, ERNAKULAM DIST.
2. THE CIRCLE INSPECTOR OF POLICE,
NORTH PARAVUR, ERNAKULAM DIST.
3. THE SUB INSPECTOR OF POLICE,
NORTH PARAVUR, ERNAKULAM DIST.
4. JITHIN, S/O RAJU @ JAYAKUMAR,
ASWATHI HOUSE, MATTAPPILLY, JARAPPADY,
MANNAM P.O., NORTH PARAVUR-683520.
5. RAJU @ JAYAKUMAR,
ASWATHI HOUSE, MATTAPPILLY, JARAPPADY,
MANNAM P.O., NORTH PARAVUR-683520.
6. USHA, W/O RAJU @ JAYAKUMAR,
ASWATHI HOUSE, MATTAPPILLY, JARAPPADY,
MANNAM P.O., NORTH PARAVUR-683520.
7. ANEESH, S/O IBRAHIMKUTTY,
PUTHENPARAMBIL HOUSE, MANJALI,
MANNAM P.O., NORTH PARAVUR-683520.
8. VIPINDAS, S/O VARGHESE,
PAZHEMPILLY HOUSE,
MANNAM P.O., NORTH PARAVUR-683520.

R1 to R3 BY GOVT. PLEADER SRI C.M.KAMMAPPU

R4 TO R8 BY ADV. SRI.LIJU. M.P

SRI.G.PADMARAJ

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

- EXT.P1 TRUE COPY OF AGREEMENT OF MARRIAGE DATED
 12/10/2007 EXECUTED BETWEEN THE 4TH RESPONDENT AND
 THE PETITIONER'S DAUGHTER.
- EXT.P2 TRUE COPY OF THE FIRST INFORMATION REPORT DTD.
 30/11/2007 IN CRIME NO.1183, PREPARED BY THE 3RD
 RESPONDENT.
- EXT.P3 TRUE COPY OF WRITTEN COMPLAINT DTD. 1/12/2007
 SUBMITTED BY THE PETITIONER BEFORE THE 3RD
 RESPONDENT.
- EXT.P4 TRUE COPY OF PETITION DTD. NIL, ALLEGED TO HAVE
 BEEN WRITTEN BY THE PETITIONER'S DAUGHTER.
- EXT.P5 TRUE COPY OF REPRESENTATION DTD. 2/12/2007
 SUBMITTED BY THE PETITIONER BEFORE THE 1ST
 RESPONDENT.

P.R.RAMAN & V.K.MOHANAN, JJ.

W.P. (Cr1) NO.286 OF 2007

Dated this the 10th day of December, 2007

JUDGMENT

Raman, J.

Petitioner, who is the father of Aleena Alappat, the alleged detenu, has filed this writ petition alleging that his daughter Aleena, is under the illegal custody of the 4th respondent. Respondent Nos. 5 and 6 are parents of the 4th respondent. Respondent Nos.7 and 8 are his friends. According to the petitioner, his daughter, Aleena is aged 21 years and is a First Year Post Graduate Student in Fine Arts in Amrita School of Applied Arts and Sciences, Brahmasthanam, Edappally. The 5th respondent is running a driving school. Petitioner's daughter joined the said driving school. The alleged detenu developed intimacy with the 4th respondent. It is alleged that the marriage agreement was executed by her on 12/10/2007 under threat and coercion. Petitioner seeks for production of the corpus of the alleged detenu and to release her.

2. Pursuant to the notice issued parties have appeared. We interacted with the alleged detenu, Aleena, and she stated that she has

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completed 21 years of age and her date of birth is 11/5/1986. The learned counsel for the 5th respondent produced a copy of the certificate issued from the school where she was studying. On a perusal of the same it is seen that her date of birth is 11/5/1986. It is admitted in the writ petition that she has already completed 21 years of age. The date of birth of the 4th respondent-Jithin is 11/7/1986 as evidenced by the school records produced by the party respondents. We have interacted with the alleged detenu and she stated that she is studying for Master of Fine Arts (M.F.A.), that the 4th respondent is her husband, and that the allegation that she is under the illegal custody of the party respondents is denied. She also stated that on her own will she married the 4th respondent. The receipt issued by the Guruvayoor Municipality for a marriage certificate was also produced. The receipt is dated 6/12/2007, which is three days after filing the writ petition before this Court. However, since both the 4th respondent and the alleged detenu, Aleena, have reached the marriageable age and she stated that she is not under the illegal custody of anybody, there is no room for issuing any further direction in this writ petition and she is set free. We have interacted with the parents of the 4th respondent and they stated that they have accepted Aleena as their

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daughter-in-law.

In the circumstances, this writ petition is closed.

P.R.RAMAN,
Judge.

V.K.MOHANAN,
Judge.

kcv.